

RESOLUTION NO. 2638

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY, FLORIDA PROMULGATING A POLICY OPPOSING EMINENT DOMAIN TAKINGS IN BAY COUNTY WHICH ARE ATTEMPTING TO PROMOTE ECONOMIC DEVELOPMENT BUT WHICH WILL INVOLVE TAKING PROPERTY FROM ONE PERSON AND TRANSFERRING THAT PROPERTY TO ANOTHER PRIVATE ENTITY

WHEREAS, Chapter 163, Florida Statutes allows Community Redevelopment Areas (CRA's) to use eminent domain proceedings to take private property from one person and turn it over to another private entity in order to promote economic development; and

WHEREAS, the Florida Supreme Court has held that a "fairly debatable" standard shall be used in analyzing CRA decisions, and that local legislative findings shall be shown deference by the courts, thus opening the door for CRA's to take private property due to "blight;" and

WHEREAS, the United States Supreme Court has held promoting economic development is a "public purpose" which satisfies the Fifth Amendment, thus allowing taking of private property and transferring said property to other private ownership; and

WHEREAS, the Board of County Commissioners finds the statutory and case law runs contrary to traditional American private property rights and values, and

WHEREAS, the Board of County Commissioners finds it is in the best interests of the people of Bay County to protect and preserve private property rights within Bay County.

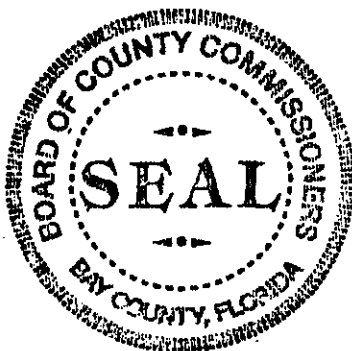
NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF BAY COUNTY THAT A BAY COUNTY POLICY IS HEREBY ESTABLISHED THAT:

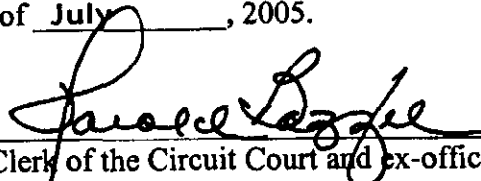
1. Bay County shall not utilize eminent domain proceedings to take private property for economic development purposes.
2. Bay County shall oppose, by every means available, any municipal or CRA plan which purports to promote economic development by taking private property and turning said property over to another private entity.
3. Bay County shall oppose, by every means available, the establishment of any CRA which will attempt to promote economic development by taking private property from one person and turning said property over to another private entity.

DONE AND ADOPTED by the Board of County Commissioners in open session
this 19th day of July, 2005, at Panama City, Bay County, Florida.

STATE OF FLORIDA
COUNTY OF BAY

I, Harold Bazzel, Clerk of the Circuit Court and ex-officio Clerk and Auditor of the Board of County Commissioners do hereby certify that the above and foregoing Resolution was duly adopted by the Board of County Commissioners of Bay County in regularly scheduled session on the 19th day of July, 2005.




Clerk of the Circuit Court and ex-officio
Clerk and Auditor of the Board of County
Commissioners of Bay County, Florida

